

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

§
§
§
§
§

V.

NO. 1:21-mj-935-ML

FRANKLIN BARRETT SECHRIEST

§

MOTION FOR PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATION

COMES NOW Counsel for Defendant, and pursuant to Title 18, United States Code, §§ 4241 and 4242, hereby files this its Motion for Psychiatric and/or Psychological Examination of Defendant, FRANKLIN BARRETT SECHRIEST, and would state the following:

Defendant appears to be suffering from a mental disease or defect or other mental condition bearing upon his ability to proceed in this case. This mental disease or defect possibly renders FRANKLIN BARRETT SECHRIEST mentally incompetent to the extent that he is possibly unable to understand the nature and consequences of the proceeding against him or unable to assist properly in his defense.

II.

Counsel for Defendant requests the Court to order that the Defendant, pursuant to Title 18, United States Code, § 4241(d), be committed to the custody of the U.S. Medical Center for Federal Prisoners and to order a psychiatric and psychological examination of the Defendant to be conducted at the United States Medical Center for Federal Prisoners on the issue of determination of the Defendant's sanity at the time of the commission of the offense herein, and on the issue of any mental disease or defect or any other mental condition of the Defendant bearing on the issue of

his guilt and competency and that the psychiatric and psychological reports be filed with the Court with copies provided to the counsel for the person examined and to the attorney for the government pursuant to the provisions of Title 18, United States Code, § 4247(c).

WHEREFORE, the Counsel for Defendant prays that pursuant to Title 18, United States Code, §§ 4241, 4242, and 4247 this Court order that the Defendant, FRANKLIN BARRETT SECHRIEST, Jr., be committed to the U.S. Medical Center for Federal Prisoners to be examined, on the issues of determination of the Defendant's sanity at the time of the commission of the offense herein, and on the issue of any mental disease or defect or any other mental condition of the defendant bearing on the issue of his guilt and competency, and that the examiners conducting such psychiatric and psychological examinations be ordered to prepare reports in accordance with Title 18, United States Code, § 4247(b), (c) and (e).

Respectfully submitted,

/s/

BY: _____
Daniel H. Wannamaker
State Bar No. 20834300
13809 Research Blvd., suite 500
Austin, Texas 78750
512.236.9929 office
512.233.5979 fax
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Daniel H. Wannamaker, certify that on the 9th day of February 2022, a copy of the foregoing was electronically delivered to the United States Attorney's office.

/s/

Daniel H. Wannamaker

CERTIFICATE OF CONFERENCE

I, Daniel H. Wannamaker, certify that on the 9th day of February 2022, the Assistant United States Attorney in charge of the case was notified that Counsel was filing this motion.

/s/

Daniel H. Wannamaker

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

§
§
§
§
§

V.

NO. 1:21-mj-935-ML

FRANKLIN BARRETT SECHRIEST

§

ORDER FOR PRE-TRIAL PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATION

The Court, having considered the Defendant's Motion for Psychiatric and Psychological Examination of Defendant, FRANKLIN BARRETT SECHRIEST and the Court being fully advised in the premises,

IT IS THEREFORE ORDERED pursuant to Title 18, United States Code, §§ 4241 and 4242, that Defendant, OLIN DEE CUBIT, be and is hereby committed to the custody of the U.S. Medical Center for Federal Prisoners, whereby he may be examined pursuant to the provisions of Title 18, United States Code, § 4247(b). The purposes of said examination are to determine (1) the competency of the Defendant to stand trial or proceed to sentence, pursuant to the provisions of Title 18, United States Code, § 4241; (2) whether the Defendant was insane at the time of the alleged offenses in accordance with the provisions of Title 18, United States Code, § 4242; and (3) whether the Defendant has a mental disease or defect or any other mental condition bearing upon the issue of guilt as set forth in Rule 12.2(b).

IT IS FURTHER ORDERED that said examination shall be conducted at the U.S. Medical Center for Federal Prisoners.

IT IS FURTHER ORDERED that said examination will be conducted pursuant to the time

provision set forth in Title 18, United States Code, § 4247(b), and that upon completion of said examination, the examiners will prepare and file with the court, with a copy to counsel for Defendant and the attorney for the Government, the written reports as described in Title 18, United States Code, § 4247(c). Specifically, the report should include, among the other requirements set forth in Title 18, United States Code, §§ 4247 (b) (c), and (e), the examiners' opinion as to whether Defendant, FRANKLIN BARRETT SECHRIEST, is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and further, whether in the opinion of the examiners, the Defendant, FRANKLIN BARRETT SECHRIEST, was at the time of the commission of the acts constituting the offenses charged in the motion herein, as a result of a severe mental disease or defect, unable to appreciate the nature and quality or the wrongfulness of his acts, or whether the Defendant has a mental disease or defect or any other mental condition bearing upon the issue of guilt as set forth in Rule 12.2. (Title 18, United States Code, § 17).

IT IS FURTHER ORDERED that upon completion and filing of said reports with the Court that the Defendant be returned to this Court for hearing pursuant to the provisions of law.

IT IS FURTHER ORDERED that Defendant's counsel is required to provide any and all medical reports presently in his possession or that come in his possession to the United States Medical center for Federal Prisoners, and to the Assistant United States Attorney in Austin, Texas, concerning the medical condition of the Defendant.

ENTERED this the _____ day of _____, 2022.

UNITED STATES JUDGE